

OGC 78-4839

24 July 1978

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

FROM: Anthony A. Lapham  
General Counsel

SUBJECT: Derek Bok Appearance Before SSCI

1. Action Requested: None. Attached for your information is a copy of the prepared statement delivered by Derek Bok at the 20 July 1978 SSCI public hearings concerning CIA relationships with academia. President Bok attached to his prepared statement copies of his recent correspondence with you on this subject, but as you know we had already made this correspondence available to the Committee.

2. Background: The thrust of Bok's statement and other testimony was largely predictable, although certain aspects of his presentation warrant special mention. First, Bok left the impression that CIA's position is not only to "ignore" or "refuse to accept" the Harvard Guidelines, but that we intend to actively encourage academics to violate any such guidelines which may be promulgated by their respective institutions. However, at least in my opinion, the tone of our letters was not quite that aggressive and confrontational, although you did state in your final letter that CIA "cannot lend its affirmative support to or consider itself bound" by the Harvard guidelines.

3. Furthermore, Bok's statement (pp. 78) summarizes the CIA position on the guidelines as consisting of three main points:

- a. it is being unfairly singled out by Harvard;
- b. the individual academic's freedom of choice is being interfered with; and
- c. that it must ignore the guidelines in the interests of national security.

I think that the first two points accurately reflect positions we have taken, although Bok articulated them without any of the accompanying nuances or rationale that we provided in our letters. The so-called "national security" argument, however, was never explicitly advanced by us in the correspondence (although I suppose that it is a logical inference). Moreover, Bok went on to state in this regard that CIA "insists upon the right to use financial inducements or other means of persuasion to cause our professors and employees to ignore our rules of employment...." That statement bothered me for two reasons: first, the question of paid vis-a-vis unpaid relationships was never specifically raised or discussed in the correspondence and second, as previously noted, we never "insisted" that we would use any such means as a lever for encouraging Harvard employees to ignore the guidelines.

4. In other matters, Bok's statements merely underlined the fact that CIA operational activities on college campuses are apparently largely misunderstood. For instance, he stated that CIA foreign student targets are "vulnerable" and "young," leaving the impression that we prey upon naive adolescents with financial and other inducements.


5. The questioning of Bok by the Senators (Huddleston, Goldwater, Moynihan, and Hathaway were on hand) was not particularly spirited or incisive. Moynihan announced at one point that as a former academic and colleague of Bok he could state "without equivocation" that professors consider themselves independent and autonomous and will probably ignore any code of ethics drafted by anyone. However, there was one enlightening colloquy between Bok and Senators Goldwater and Hathaway in which Bok was asked about the existing and widespread practice of professors "tipping off" contacts on the public and private sector to potentially attractive candidates for possible employment. Bok acknowledged that these practices existed; however, he said that such CIA covert recruiting practices utilizing academics in a similar manner could be distinguished on three grounds:

- a. in the everyday situation, the student is usually made witting of the referral at some point;
- b. a potential CIA foreign student recruit would ultimately be asked to perform something illegal (in his or her home country) or hazardous;
- c. a referral to a CIA contact would probably "kick off a secret investigation of the student without the student's knowledge."

6. In the final analysis, Bok offered the view that Congress should act as the ultimate arbiter concerning the issues in dispute between CIA and Harvard. To this end, he recommended that the charter legislation include specific provisos:

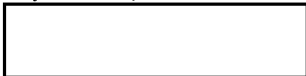
- a. barring any CIA use of academics to carry out intelligence operations; and
- b. requiring CIA to abide by any college's established rules concerning the recruitment of its students.

While the committee was officially non-committal, there evidently was no particular enthusiasm about these proposals.

  
Anthony A. Lapham

Attachment

cc: SA/DDCI  
Inspector General  
C/NFAC/Academic Relations



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